



Written by [R. Cort Kirkwood](#) on March 29, 2019

Steinles Lose In Ninth Circuit; Trump Judge Rules for Sanctuary City

The federal Ninth Circuit Court of Appeals, in keeping with its many other decisions [subversive of American law and sovereignty](#), says San Francisco is not responsible for the killer of Kate Steinle. [The court shot down](#) the family's lawsuit in a ruling published on Monday.

Instead of turning over illegal alien José Inez García Zárate to Immigration and Customs Enforcement when they had him in jail, the city sheriff loosed him upon the city's unsuspecting residents.



One of them was Steinle. Zárate, a five-time deportee and major felon, found a stolen .40-caliber SIG Sauer P239 and [shot Steinle](#). Zárate said the gun just went off and the killing was a fluke. A jury agreed and [acquitted him](#).

Steinle's parents sued the city, among other defendants, and lost. At the nutty Ninth, they lost again.

"Discretionary" Policy

The lawsuit centered on the San Francisco sheriff's memo dated March 13, 2015 that said his department would not notify ICE when it released illegal aliens from jail, in keeping with the city's sanctuary status.

Thus, on March 27, when ICE sent a detainer told hold Zárate, the department refused. It released the border-jumping, felonious criminal on April 15. The department did not notify ICE. Zárate killed Steinle on July 1.

But the killing doesn't matter, the [Ninth Circuit ruled](#).

The court rejected the parents' arguments on multiple grounds, ruling that the sheriff's memo "was a discretionary act that was entitled to immunity."

"The facts of this case are undeniably tragic," the court ruled, and "while we deeply sympathize with Steinle's family, the question of discretionary immunity raised in this case is controlled by California law."

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The plaintiffs argued that "that 'immigration status' includes whether an individual is lawfully present in the United States, and 'the release date of an undocumented inmate is the date upon which he goes from lawful to unlawful presence in the United States.' Therefore, according to Plaintiffs, release date information is "information regarding" "immigration status."

[The court rejected](#) that argument because "statutory interpretation requires us to presume that the legislature says in a statute what it means and means in a statute what it says there. Thus, our inquiry begins with the statutory text, and ends there as well if the text is unambiguous." Thus, the law "at



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issue clearly does not include release-date information. It includes only ‘information regarding’ ‘immigration status,’ and nothing [in it] addresses information concerning an inmate’s release date.”

The Steinles also claimed that the sheriff “did not have discretionary authority to issue the Memo because the Memo ‘invaded’ the federal government’s authority over immigration law and frustrated ICE’s ability to detain and deport [Zárate].” The court accepted “that the issuance of the Memo interfered with ICE’s ability to detain and deport [Zárate], and that ICE would have detained [Zárate] had ICE been provided with his release date. We also acknowledge Congress’s plenary or near plenary power over immigration issues.”

But again, the court ruled for the city because the Steinles “fail to cite any authority that required [the sheriff] to provide ICE with the release date.” That the [sheriff’s] actions adversely affected ICE’s ability to do its job does not ... strip him of the discretionary authority under California law to institute the policy that he did.”

[The court also ruled against](#) the Steinles’ claim that the memo was an “act of legislating” beyond the sheriff’s powers: “Action by a government official that involves some weighing of policy is not the equivalent of a legislative act.”

“Our holding today makes no judgment as to whether or not the policy established by the Memo was wise or prudent,” the court said. “That is not our job.” Rather, “a federal court applying California law must apply the law as it believes the California Supreme Court would apply it.”

The author of the opinion is [Mark J. Bennett](#). President Trump appointed him.

Bologna Case

Steinle isn’t the only victim of San Francisco’s sanctuary lunacy.

In 2008, [an MS-13 gangbanger murdered](#) three members of the Bologna family — a father and two sons. The city had protected that thug from deportation as well. Even worse, he had murdered someone before, an MS-13 snitch told the FBI. But he agency did nothing about it.

The victims’ family sued in that case, too, [but the courts protected](#) the city.



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